



॥वसुधैव कुटुम्बकम्॥



ADR S
ALTERNATIVE DISPUTE RESOLUTION SOCIETY

NATIONAL MEDIATION COMPETITION

27TH - 29TH MARCH, 2020



GENERAL INFORMATION

PRELIMINARY ROUND II

THE APPENDIX

Mayuri Bhatt is a fashion designer based in Chandigarh, India. She specializes in creating unique streetwear clothing and has recently launched her online store called “Miraci”. She has been rated amongst the “Top 10 influential fashion designers” in India.

In 2017, Mrs. Bhatt started experiencing pain in her abdomen. She initially thought that it is caused due to indigestion. She decided to take pain killers, hoping that it will reduce the pain. In November 2017, she had to go see the doctor as the pain had become unbearable. Dr. Himesh is a renowned and well-respected doctor who works at “Five Stones Clinic”. He is the Chief of Surgery and is known for taking up difficult cases. He has created a healthy working environment in the Clinic and believes in supporting and motivating young talent.

Mrs Bhatt consulted with Dr. Himesh, who asked her to undergo a series of tests. After the results of the tests came out, Dr. Himesh informed Mrs. Bhatt that there is inflammation in her appendix. Dr. Himesh recommended undergoing appendectomy where the appendix will be removed. In January 2018, Mrs. Bhatt had the surgical operation to remove her appendix.

After the surgery, Mrs. Bhatt started with her recovery but she still experienced some abdominal pain. She informed Dr. Himesh of the discomfort she was feeling but Dr. Himesh responded that the body takes some time to adjust after the surgery. The pain only got worse and Mrs. Bhatt decided to take a second opinion. She visited another clinic to confirm if everything was alright.

This problem is drafted by Mr Pitamber Yadav for the 1st National Mediation Competition, 2020 at Symbiosis Law School, Hyderabad. Names, characters, places, events, locales, and incidents are used in a fictitious manner and any resemblance to actual persons, living or dead, or actual events is purely coincidental. All rights concerning the problem shall rest solely with the drafter and the work shall not be reproduced or copied by any means, without the prior permission of the drafter.

To her surprise, she was informed that there is internal bleeding and it is highly likely that her intestine has been punctured. Mrs. Bhatt undergoes two additional surgeries to rectify the mistakes that had occurred during the appendectomy.

After the surgery, Mrs. Bhatt was put on diet restrictions for an indefinite period. She is restricted to limited body movement and can't walk on her own. No timeline has been put on her full recovery and she currently uses a wheelchair to get around. As a result of the surgery, she is not able to pursue her work as a fashion designer. After speaking with her family, she decides to pursue legal action against Dr. Himmesh and Five Stones Clinic for medical negligence.

After consulting with her lawyer, Mrs. Bhatt has decided to go for a mediation session with Dr. Himmesh. Mrs. Bhatt and Dr. Himmesh attend the mediation session with their respective lawyers.